

REMARKS

The issues outstanding in the instant application are as follows:

- Claims 1, 3-8, 10, 12-16, 19-22, 24-29, 34 and 42-50 stand rejected under 35 U.S.C. §102(b) as anticipated by Takayama, Japanese Patent Application Publication Number 2000-268443 (hereinafter *Takayama*);
- Claims 2, 11, 23 and 35-41 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Takayama* in view of Morita, U.S. Pat. No. 5,612,827 (hereinafter *Morita*);
- Claims 9, 17, 32 and 33 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Takayama* in view of Amamiya, Japanese Patent Application Publication Number 2000-295507 (hereinafter *Amamiya*);
- Claim 30 stands rejected under 35 U.S.C. §103(a) as unpatentable over *Takayama* in view of *Amamiya*, and further in view of Kita, U.S. Pat. No. 5,199,593 (hereinafter *Kita*); and
- Claim 31 stands rejected under 35 U.S.C. §103(a) as unpatentable over *Takayama* in view of *Amamiya*, and further in view of Heigl, U.S. Pat. No. 4,746,796 (hereinafter *Heigl*).

As noted above the Examiner is respectfully requested to enter the above amendments to the claims as these amendments place the claims in condition for allowance, or in the alternative, in better condition for Appeal by removing issues for appeal (see M.P.E.P. §714.13(II)). The amendments to independent claims 1, 10, 17, 35 and 42 above are intended to place respective dependent claims 28, 29, 34, 37 and 47 in independent form. Independent claim 19 has been amended to replace “a tape characteristic” with “a write density.” Similarly, claim 9 has been amended to include a limitation that the magnetic tape in a tape cartridge uses “a write density differing from standard type tape.” Claim 40 has been amended to incorporate the limitations of claim 41 and to conform with amendments made to independent claim 35, replacing “a tape having said characteristic” with “a tape using said write density differing from standard tapes of a same format.” Claims 28, 29, 34, 37, 41 and 47-50 have been canceled. Therefore, Applicant respectfully asserts that the amendments

advanced above remove issues before the Office, namely whether the various limitations directed to "a tape characteristic," or the like, are present in the art of record. Entry of these amendments will not render further searching of the art by the Examiner necessary, as the subject matter of claims 28, 29, 34, 37 and 47 and the added limitations of claims 9 and 19, namely, a write density tape characteristic has previously been searched and examined. Hence, the present amendments to the claims should be entered as placing the case in condition for allowance or in better condition for appeal by removing issues for appeal.

In light of the above amendments Applicant respectfully traverses the outstanding rejections of the claims, and request reconsideration and withdrawal of the outstanding rejections. Upon entry of the amendments advanced above, claims 1-17, 19-27, 30-33, 35, 36, 38-40 and 42-46 will remain pending in the present application.

The non-final Office Action dated January 2, 2004 rejects dependent claims 28, 29, 34 and 47, which are placed in independent form by the amendments to claims 1, 10, 17, and 42 advanced above, citing paragraphs 43-47 of *Takayama* as anticipating the tape write density limitations cited in these dependent claims. As noted in Applicant's response to the non-final Office Action, as can best be gleaned from the provided translation of these paragraphs, paragraphs 43-47 of *Takayama* appears to deal with data structure rather than write density or any other characteristic of the tape. Paragraphs 43-47 of *Takayama* describe dividing the tape into partitions, which can be independently accessed. The partitions are described as having groups made up of 20 frames, with each frame made up of two trucks, with each truck formed of 471 blocks. Nothing in this recitation of *Takayama* would seem to indicate that this data structure would vary in write density or any other tape characteristic from that of a standard type tapes. The present final Office Action fails to address this argument.

Thus, Applicant continues to respectfully contend that *Takayama* does not teach (or fairly suggest) a claim limitation speaking to "a ... tape ... using a write density differing from standard type tapes" as recited by claim 1, as amended above, or a similar limitation such as recited by claims 9, 10, 17, 19, 35 or 42, as amended above. Prior to amendment, independent claims 9 and 17 stand rejected as unpatentable over the combination of *Takayama* and *Amamiya*, while independent claim 35 stands rejected as unpatentable over the combination of *Takayama* and *Morita*. However, neither *Amamiya* or *Morita* is relied upon as disclosing a write density differing from standard tapes, or the like. Therefore, Applicant

respectfully asserts that at least for the above reasons independent claims 1, 9, 10, 17, 19, 35 and 42 are patentable over the 35 U.S.C. §102 and §103 rejections of record.

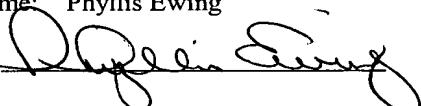
In view of the above, it is believed that the above advanced amendments to the claims should be entered and upon such entry that each of the pending claims in this application will be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to enter the above advanced claim amendments pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10011666-1 from which the undersigned is authorized to draw. The Examiner is respectfully invited to call the below listed attorney if he can be of any assistance in expediting prosecution of the present application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482735024US in an envelope addressed to: M/S AF, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: July 27, 2004

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Respectfully submitted,

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